

**CALENDAR ITEM
C44**

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**CONSIDER APPLICATION FOR A SALVAGE PERMIT FOR SCIENTIFIC
RESEARCH, ON SOVEREIGN LANDS IN THE SACRAMENTO RIVER, NEAR
CLARKSBURG, IN YOLO COUNTY, TO CONDUCT ARCHAEOLOGICAL DATA
RECOVERY ON THE SUBMERGED CLARKSBURG FERRY AS MITIGATION FOR
ADVERSE IMPACTS FROM RIVER BANK REPAIRS**

APPLICANT:

U.S. Army Corps of Engineers
Cultural Resource Section
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

AREA, LAND TYPE, AND LOCATION:

The area of sovereign lands in the Sacramento River, Yolo County, near the town of Clarksburg, containing the submerged Clarksburg Ferry (the exact location is confidential to protect the site).

AUTHORIZED USE:

To conduct scientific research, collect limited samples, and conduct limited dredging to facilitate mitigation for adverse impacts from river bank repairs.

LEASE TERM:

1 year, beginning August 11, 2009.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

BACKGROUND:

The submerged Clarksburg Ferry was discovered in the fall of 2008 during cultural resource surveys conducted in the planning phase of Sacramento River

CALENDAR ITEM NO. **C44** (CONT'D)

bank repairs. The ferry, operated as a free ferry by Yolo County, is believed to have sunk in 1928. The 60-foot long vessel is relatively intact from stern to stern and side to side. Ferries played a significant role in the agricultural economy and transportation network of the Sacramento Delta. The Clarksburg Ferry was built by the Nunes brothers in 1920.

The Clarksburg Ferry wreck is believed to qualify as eligible for listing in the National Register of Historic Places and the California Register of Historical Resources. The proposed data recovery is anticipated to provide statewide, regional, and local public benefits by providing increased information on the vessel itself, contributing to available information relating to the maritime history of the Sacramento River, and providing documentation of the Nunes brothers boat-building career.

The Sacramento River bank in the location of the ferry has identified erosion problems and repair of the levee is necessary to reduce the risk of levee failure. The U.S. Army Corps of Engineers (USACE) has determined that the Clarksburg Ferry wreck cannot be avoided during implementation of the required levee repair. Quarry stone will be placed on the riverbank and over a portion of the wreck location as a levee stabilization effort.

The quarry stone will potentially cover much of the wreck and could cause the relatively intact hull to break into pieces. As a result of the levee work, the ferry will likely become severely damaged and buried under tons of rock. Therefore, a program of data recovery has been identified as the appropriate means to mitigate unavoidable adverse effects to the Clarksburg Ferry wreck. Except for the few artifacts recovered as part of the data recovery, the ferry will remain in place. Salvage of the entire ferry would be infeasible due to the fragile nature of the hull and the cost to recover and conserve the wooden timbers.

PROPOSED ARCHEOLOGICAL DATA RECOVERY:

The USACE plans to conduct limited excavation and dredging, to record construction details of the ferry, to prepare photographic documentation, and to collect artifacts. The USACE is expected to contract with a firm specializing in maritime archaeology and diving for the data recovery. The USACE will complete its consultation with the State Historic Preservation Officer before beginning work. The USACE will also obtain approval or permits from the California Regional Water Quality Control Board, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. The USACE does not issue itself Clean Water Act Section 404 Department of the Army Permits for Civil

CALENDAR ITEM NO. **C44** (CONT'D)

Works projects. No Streambed Alteration Agreement from the California Department of Fish and Game is required because the work is being conducted as part of the Sacramento River Bank Protection Project, Phase II.

To facilitate recording the wreck, limited removal of overlying sediments will occur at or near midships from the centerline of the vessel to the outer hull and a longitudinal alignment near the center of one end. Less than one cubic yard of overlying sediments are anticipated to be removed, and removal will take place over the course of one week. Removal of sediments will be conducted with a venturi-type suction device (approximately three-inch diameter). To operate the suction-device, water is pumped into the central portion of the pipe to create a vacuum at the pipe opening. The overlying sediments are sucked through the pipe and the sediments and water are discharged back to the water body. Due to the limited amount of sediment to be removed and the period of time over which the sediments will be removed, operation of the suction device is not expected to generate visible turbidity. Turbidity will be monitored and sediment removal shall be temporarily halted if turbidity is visible and shall not resume until the water column has cleared.

Artifacts anticipated to be recovered and conserved include representative fasteners and the rudder. Conservation of the artifacts is anticipated to be completed at the Texas A&M conservation laboratory to accepted archaeological standards. Additionally, wood samples would be collected and submitted to the laboratory for identification. Conservation costs would be funded by the USACE. A final written report of the data recovery effort will be provided to Commission staff.

It is recommended that the Executive Officer be delegated the authority to 1) approve collection of any additional historic artifact(s) upon written request from the USACE and assurance that sufficient funding is available from non-Commission sources to conserve the artifact(s); and, 2) transfer title of the recovered artifacts to a recognized display/curation facility after conservation.

Archaeologists will work off a pontoon or other work boat platform that will be moored on the site during the day but removed at the end of work each day. The ferry is adjacent to the river bank, out of the way of normal river traffic.

OTHER PERTINENT INFORMATION:

1. Public Resources Code section 6313(a) provides: "The title to all abandoned shipwrecks and all archaeological sites and historic resources on or in the tide

CALENDAR ITEM NO. **C44** (CONT'D)

and submerged lands of California is vested in the state. All abandoned shipwrecks and all submerged archaeological sites and submerged historic resources of the state shall be in the custody and subject to the control of the commission for the benefit of the people of the state of California. The commission may transfer title, custody, or control to other state agencies or recognized scientific or educational organizations, institutions or individuals by appropriate legal conveyance.”

2. The USACE must obtain any other required approvals or permits from other agencies having jurisdiction over the activities prior to issuance of the Permit or prior to the start of in-water activities if issuance of the Permit is required prior to approval by other agencies.
3. A Mitigated Negative Declaration (MND) (SCH# 2009042052) was prepared by the Central Valley Flood Protection Board (CVFPB) and circulated through the State Clearinghouse for a 30-day review period beginning April 9, 2009, and ending May 8, 2009. The MND was adopted by the CVFPB on May 19, 2009. A Mitigation Monitoring Program was adopted by the CVFPB. The CVFPB filed a Notice of Determination with the State Clearinghouse on May 21, 2009. The California State Lands Commission’s staff has reviewed such documents.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff’s consultation with the persons nominating such lands and through the CEQA review process, it is the staff’s opinion that the project, as proposed, is consistent with its use classification.

PERMIT STREAMLINING ACT DEADLINE:

January 24, 2010 (The Commission acting as a responsible agency under CEQA)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION (SCH# 2009042052) AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CENTRAL VALLEY FLOOD PROTECTION BOARD AND THAT THE COMMISSION

CALENDAR ITEM NO. **C44** (CONT'D)

HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN THE ENVIRONMENTAL DOCUMENT ON FILE IN THE SACRAMENTO OFFICE OF THE STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE ISSUANCE TO THE U.S. ARMY CORPS OF ENGINEERS A SALVAGE PERMIT FOR SCIENTIFIC RESEARCH, BEGINNING AUGUST 11, 2009, FOR A TERM OF ONE YEAR, TO CONDUCT ARCHAEOLOGICAL DATA RECOVERY ON THE SUBMERGED CLARKSBURG FERRY IN THE SACRAMENTO RIVER; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.
2. AUTHORIZE THE U.S. ARMY CORPS OF ENGINEERS TO COLLECT ARTIFACTS FROM THE CLARKSBURG FERRY INCLUDING REPRESENTATIVE FASTENERS AND THE RUDDER, TO BE CONSERVED AT NO COST TO THE STATE TO ACCEPTED ARCHAEOLOGICAL STANDARDS; AND TO COLLECT WOOD SAMPLES FOR TESTING AND IDENTIFICATION.
3. AUTHORIZE THE U.S. ARMY CORPS OF ENGINEERS TO CONDUCT LIMITED EXCAVATION AND DREDGING TO FACILITATE DOCUMENTATION OF THE CLARKSBURG FERRY AS DESCRIBED HEREIN.
4. AUTHORIZE THE EXECUTIVE OFFICER TO APPROVE COLLECTION OF ANY ADDITIONAL HISTORIC ARTIFACT(S) UPON WRITTEN REQUEST FROM THE U.S. ARMY CORPS OF ENGINEERS AND ASSURANCE THAT SUFFICIENT FUNDING IS

CALENDAR ITEM NO. **C44** (CONT'D)

AVAILABLE FROM NON-COMMISSION SOURCES TO CONSERVE
THE ARTIFACT(S) TO ACCEPTED ARCHAEOLOGICAL
STANDARDS.

5. AUTHORIZE THE EXECUTIVE OFFICER TO TRANSFER TITLE OF
THE COLLECTED ARTIFACTS UPON WRITTEN REQUEST BY THE
U.S. ARMY CORPS OF ENGINEERS TO A RECOGNIZED
DISPLAY/CURATION FACILITY AFTER CONSERVATION.